**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 2990 OF 2002.
IN
INCOME TAX APPEAL (L) NO. 868 OF 2002.

The Commissioner of Income-tax ... Appellant.

V/s.

Kishore Gordhandas ... Respondent.

Shri Ashok Kotangale for the appellant.

Ms.Aasifa Khan for the respondent.

**CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.**

**DATED : 17.10.2005.**

**P.C. :**
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. Heard .

2. No counter affidavit to oppose the Motion has been filed by the respondent. In the absence of any counter, delay in filing appeal is condoned.

Motion is made absolute with no order as to costs.

**(J.P. DEVADHAR,J.)** **(V.C. DAGA,J.)**